

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION – DETROIT**

IN THE MATTER OF:

CHAPTER 13

CASE NO. 10-60154-WSD

JUDGE WALTER SHAPERO

Kenneth J. Shepherd, Jr. & Lisa L. Shepherd,
Debtor(s).

**TRUSTEE'S OBJECTION TO DEBTOR'S PROPOSED
POST-CONFIRMATION CHAPTER 13 PLAN MODIFICATION**

NOW COMES, the Chapter 13 Trustee, Tammy L. Terry, and objects to the debtor's proposed post-confirmation plan modification and states as follows:

1. The debtors filed for Chapter 13 relief on July 22, 2010. This matter was confirmed on February 4, 2011, which proposed bi-weekly payments of \$1,080.13 for thirty-six (36) months and 8% dividend to unsecured creditors. The terms of the confirmed Plan also requires the debtor(s) to remit 100% of future income tax refunds to the Trustee for the benefit of creditors.
2. On April 15, 2014, the debtor filed a post confirmation plan modification requesting to:
 - a. extend the plan length from 36 months to 42 months.
 - b. reduce the dividend to class eight general unsecured creditors to 8%.
 - c. to use their balance on hand of \$2,168.18 to cure their delinquency in the amount of \$990.90.
3. The debtors propose in the plan modification to use their balance on hand in order to cure their delinquency. The Trustee requests that the debtors provide clarification regarding this request and to provide additional information regarding the balance on hand that the debtors are referring to. All payments paid into the case are required payments for the case and cannot be used to cure a delinquency. The Trustee requests that the debtors remit additional funds to cure the delinquency in the amount of \$990.91.
4. The Trustee objects to the debtor's Plan modification, as the modification fails to address how the debtor will cure the current delinquency in Plan payments of \$990.91. The Trustee requests that the debtors cure this default over the remaining months of the Plan.
5. The debtors received a tax refund in the amount of \$527.00 in 2010. The Trustee requests that the debtors remit the tax refund pursuant to the confirmed plan.
6. The Trustee further notes that the debtor is obligated to remit 100% of future income tax refunds to the Plan. The Trustee states that it has not received any tax refunds or any information regarding the debtor(s) tax returns since Confirmation. The Trustee request copies of the debtors' 2011, 2012 and 2013 federal income tax returns to verify what amount, if any, is to be remitted to the Trustee pursuant to the terms of the confirmed Plan.

WHEREFORE, the Chapter 13 Trustee requests this Honorable Court deny the debtor's proposed plan modification and/or grant any relief this Court deems to be just and appropriate.

May 2, 2014

OFFICE OF THE CHAPTER 13 TRUSTEE-DETROIT

Tammy L. Terry, Chapter 13 Trustee

/s/ **TAMMY L. TERRY**

/s/ **TAMMY L. TERRY (P-46254)**

Chapter 13 Standing Trustee

/s/ **KIMBERLY SHORTER - SIEBERT (P-49608)**

/s/ **MARILYN R. SOMERS - KANTZER (P-52488)**

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CERTIFICATE OF MAILING

I hereby certify that on May 5, 2014, a copy of **TRUSTEE'S OBJECTIONS TO DEBTOR'S POST-CONFIRMATION CHAPTER 13 PLAN MODIFICATION** was electronically filed with the Clerk of the Court, served via Electronic Court Filing and/or a copy of same was deposited in the U.S. Mail to debtor's(s)' attorney (if any) or the debtor(s), if unrepresented, at the address as it appears below.

/s/ Patrice N. Watson

Legal Assistant

For the Office of the Chapter 13 Trustee-Detroit

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